

Senate Joint Resolution 4 - Introduced

SENATE JOINT RESOLUTION 4
BY J. TAYLOR

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to elections for the recall of
3 elected officials.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article II of the Constitution of the State of Iowa is
4 amended by adding the following new section:

5 **Sec. 8. Recall elections.**

6 1. The qualified electors of the state, a legislative
7 district, or a county may petition for the recall of an
8 incumbent elected official after the first year of the term for
9 which the incumbent was elected by filing a petition with the
10 official with whom the nomination petition to the office was
11 filed demanding the recall of the incumbent.

12 a. The recall petition must be signed by electors equaling
13 at least twenty-five percent of the votes cast for the office
14 of governor at the last preceding election in the state,
15 county, or district which the incumbent represents.

16 b. The official with whom the recall petition is filed shall
17 call a recall election for the Tuesday of the sixth week after
18 the date of filing the petition or, if that Tuesday is a legal
19 holiday, on the first day after that Tuesday which is not a
20 legal holiday.

21 c. The incumbent shall continue to perform the duties of
22 the office until the recall election results are officially
23 declared.

24 d. Unless the incumbent declines within ten days after the
25 filing of the petition, the incumbent shall without filing
26 be deemed to have filed a nomination petition for the recall
27 primary or election, as applicable. Other candidates may
28 file for the office in the manner provided by law for special
29 elections. For the purpose of conducting elections under this
30 section:

31 (1) When more than two persons compete for a nonpartisan
32 office, a recall primary shall be held. The two persons
33 receiving the highest number of votes in the recall primary
34 shall be the two candidates in the recall election, except that
35 if any candidate receives a majority of the total number of

1 votes cast in the recall primary, that candidate shall assume
2 the office for the remainder of the term and a recall election
3 shall not be held.

4 (2) For a partisan office, a recall primary shall be held
5 for each political party, as defined by law, from which more
6 than one candidate competes for the party's nomination in the
7 recall election. The person receiving the highest number of
8 votes in the recall primary for each political party shall be
9 that party's candidate in the recall election. Independent
10 candidates and candidates representing nonparty political
11 organizations shall be shown on the ballot for the recall
12 election only.

13 (3) When a recall primary is required, the date specified
14 under paragraph "b" shall be the date of the recall primary and
15 the recall election shall be held on the Tuesday of the fourth
16 week after the recall primary or, if that Tuesday is a legal
17 holiday, on the first day after that Tuesday which is not a
18 legal holiday.

19 e. The person who receives the highest number of votes in
20 the recall election shall be elected for the remainder of the
21 term.

22 f. After one petition and recall election pursuant to this
23 section, no further recall petition shall be filed against the
24 same officer during the term for which the officer was elected.

25 2. The general assembly may enact laws to implement this
26 section.

27 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
28 amendment to the Constitution of the State of Iowa is referred
29 to the general assembly to be chosen at the next general
30 election for members of the general assembly, and shall be
31 published as provided by law for three consecutive months
32 previous to the date of that election.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This joint resolution proposes an amendment to the
2 Constitution of the State of Iowa relating to recall elections
3 for elected officials. The amendment allows the electors of
4 the state, a legislative district, or a county to call for
5 the recall of an elected official after the first year of the
6 elected official's term. The amendment requires the electors
7 to submit a petition signed by electors equaling at least 25
8 percent of the votes cast for the office of governor in the
9 last preceding election in the relevant area. Upon receipt of
10 the petition, the official with whom nomination petitions for
11 the office are filed shall call a recall election on the sixth
12 Tuesday following filing of the petition. The incumbent shall
13 continue to perform the incumbent's duties until the results of
14 the recall election are officially declared.

15 Unless the incumbent declines within 10 days, the incumbent
16 shall be deemed to have filed to participate in the election.
17 The amendment provides for recall primary elections when more
18 than two persons file to compete in a recall election for a
19 nonpartisan office and for each recall election for a partisan
20 office. In a recall primary for a nonpartisan office, if one
21 candidate receives a majority of the total number of votes
22 cast, that candidate shall assume the office and a recall
23 election shall not be held. Otherwise, whichever candidate
24 receives the highest number of votes in a recall election shall
25 be elected for the remainder of the original incumbent's term.
26 The amendment prohibits more than one recall election from
27 being called against a given elected official in a single term.

28 The resolution, if adopted, would be published and then
29 referred to the next general assembly (91st) for adoption,
30 before being submitted to the electorate for ratification.